

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:14-CV-273-D

JAMES HAMBY,

Plaintiff,

v.

BROCK AND SCOTT, PLLC,

Defendant.

ORDER

On January 29, 2015, the court dismissed James Hamby's ("Hamby" or "plaintiff") complaint for failure to comply with Rule 8 of the Federal Rules of Civil Procedure. See [D.E. 16]. Alternatively, the court dismissed the complaint for failure to state a claim upon which relief can be granted. See id.; Fed. R. Civ. P. 12(b)(6).

On June 11, 2015, the court granted Hamby's motion to amend and directed him to file an amended complaint not later than June 30, 2015. See [D.E. 23]. On June 16, 2015, Hamby filed an amended complaint (including attachments), asserting that Brock & Scott, PLLC ("Brock & Scott" or "defendant") violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 et seq. See [D.E. 24].

On July 15, 2015, Brock & Scott moved to dismiss Hamby's amended complaint for failure to comply with Rule 8 and for failure to state a claim upon which relief can be granted [D.E. 27]. See Fed. R. Civ. P. 8, 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–56 (2007). On August 6, 2015, Hamby responded in opposition. See [D.E. 30].

The court has reviewed the amended complaint with the deference due to a pro se litigant. See, e.g., Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam). Nonetheless, Hamby has failed to plausibly allege that Brock & Scott violated the FDCPA. See, e.g., Wiggins v. Planet Home Lending, LLC, No. 5:14-CV-862-D, 2015 WL 3952332, at *6, 8 (E.D.N.C. June 29, 2015) (unpublished); Bryant v. Wells Fargo Bank, Nat'l Ass'n, 861 F. Supp. 2d 646, 651–54 (E.D.N.C. 2012); Johnson v. BAC Home Loans Servicing, LP, 867 F. Supp. 2d 766, 779–84 (E.D.N.C. 2011); Woody v. Bank of Am. Corp., No. 5:09-CV-398-D, 2010 WL 2332732, at *3 (E.D.N.C. June 9, 2010) (unpublished). Thus, Hamby fails to state a claim upon which relief can be granted.

In sum, defendant's motion to dismiss [D.E. 27] is GRANTED, and the amended complaint is DISMISSED with prejudice. The clerk shall close the case.

SO ORDERED. This 2 day of November 2015.


JAMES C. DEVER III
Chief United States District Judge